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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,676	10/26/2000	Mie Ueda	68767	6002
48036 7590 12/10/2007 PERRY HOFFMAN & ASSOCIATES P.C. PO BOX 1649 DEERFIELD, IL 60015			EXAMINER RADA, ALEX P	
			ART UNIT	PAPER NUMBER
			3714	
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			12/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/698,676

Applicant(s)

UEDA ET AL.

Examiner

Alex P. Rada

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23, 25-27 and 29-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23, 25-27, 29-34, 40 and 41 is/are allowed.
- 6) ☒ Claim(s) 35-36 and 38 is/are rejected.
- 7) ☒ Claim(s) 37 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

In response to the amendment filed April 6, 2007 wherein applicant cancels claims 1-22, 24 and 28, amends claims 23, 25-27, 29, 31-34, adds new claims 35-41 and claims 23, 25-27 and 29-41 are pending in this application.

Specification

1. The amendments to the specification and abstract were received on 6 April 2007. These amendments are acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Murtha et al. (US 4,642,710).

Regarding claim 35, Murtha discloses an electronic toy comprising: a head-shaped member having a display disposed at a face portion of the head shaped member (figure 1a; wherein a head-shaped member is shown), the display comprising a plurality of stacked plates each having a group of holes formed in pattern, the patterns being formed in different shapes from each other and a plurality of light sources each disposed at a side face of the corresponding plate so that when one of the light sources is lit, the light from the lit source enters the corresponding plate and the group of

holes formed thereon are illuminated to display the pattern formed with the group of holes (figures 2-9 and col. 3, lines 27-61; wherein the visible electrically-conductive matrix arranged in the form of segments representative of eyebrows, eyes and mouth in different positions suggesting different facial expression); a smoked plate mounted in front of the display memory means that stores data indicative of a plurality of eye expression patterns (figure 1; wherein the matrix of the LCD is the smoke plate); and a control electrically coupled to the plurality of light sources, wherein the controller selects an eye expression pattern among the plurality of eye expression patterns and controls lighting of one or more of the light sources so as to illuminate the selected group or groups of holes to display the selected eye expression pattern (figure 2 and col. 3, line 52-col. 4, line 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murtha et al. (US 4,642,710) in view of Yokoo (EP 0898237).

Regarding claim 36, Murtha is silent in regards to the stacked plate are formed from acryl plates and the plurality of light sources are light emitting diodes. At the time the invention was made, it would have been an obvious design choice to a person of ordinary skill in the art to provide the stacked plate being formed from acryl plates and the plurality of light sources are light emitting diodes because Applicant has not disclosed that the acryl plates being formed of acryl and the

plurality of lights are LEDs provides an advantage or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with Murtha's invisible electrically-conductive matrix arranged in the form of segments representative of eyebrow, eyes and mouth because they both would produce the same outcome of providing visual facial expression.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murtha et al. (US 4,642,710) in view of Kamiya et al. (US 6,175,772).

Regarding claim 38, Murtha discloses electronic toy comprising: a head-shaped member having a display disposed at a face portion of the head shaped member (figure 1a; wherein a head-shaped member is shown) and formed with a plurality of illumination patterns (figures 2-9 and col. 3, lines 27-61; wherein the visible electrically-conductive matrix arranged in the form of segments representative of eyebrows, eyes and mouth in different positions suggesting different facial expression); and smoked plate mounted in front of the display (figure 1; wherein the matrix of the LCD is the smoke plate). Murtha is silent in regards to memory means that stores data indicative of a plurality of eye expression patterns; sensor means that detects external inputs; and a controller electrically coupled to the display, wherein the controller selects an eye expression pattern among the plurality of eye expression patterns in response to information derived from the sensor means and controls the display as to provide one among the plurality of illumination patterns indicative of the selected eye expression pattern.

Kamiya teaches memory means that stores data indicative of a plurality of eye expression patterns (figures 2-3); sensor means that detects external inputs (figure 3 items 2, 4, 6, 8; wherein external inputs are shown); and a controller electrically coupled to the display, wherein the controller selects an eye expression pattern among the plurality of eye expression patterns in response to

information derived from the sensor means and controls the display as to provide one among the plurality of illumination patterns indicate of the selected eye expression pattern (summary and figures 6-9). By having a memory means that stores data indicative of a plurality of eye expression, one of ordinary skill in the art would yield to predictable results of providing a more human like communication between interactive objects and humans.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Murtha to further include memory means that stores data indicative of a plurality of eye expression patterns; sensor means that detects external inputs; and a controller electrically coupled to the display, wherein the controller selects an eye expression pattern among the plurality of eye expression patterns in response to information derived from the sensor means and controls the display as to provide one among the plurality of illumination patterns indicate of the selected eye expression pattern as taught by Kamiya to yield to predictable results of providing a more human like communication between interactive objects and humans.

Allowable Subject Matter

7. Claims 37 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is an examiner's statement of reasons for allowance: Claims 23, 25-27, 29-34 and 40-41 are allowed for including the subject matter objected to in the previous office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

9. Applicant's arguments with respect to claims 23, 25-27 and 29-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
09/698,676
Art Unit: 3714

Page 7

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Robert E. Pezzuto
Supervisory Patent Examiner
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APR


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SUPERVISORY PATENT EXAMINER